

ESTTA Tracking number: **ESTTA585606**

Filing date: **02/04/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Thru, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	909 Lake Carolyn Parkway Suite 750 Irving, TX 75039 UNITED STATES		

Attorney information	John M. Cone Hitchcock Evert LLC P.O. Box 131709 Dallas, TX 75313-1709 UNITED STATES jcone@hitchcockevert.com, docket@hitchcockevert.com Phone:214 880 7002
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Registration Subject to Cancellation

Registration No	4478345	Registration date	02/04/2014
Registrant	DROPBOX, INC. 185 Berry St. San Francisco, CA 94107 GERMANY		


Goods/Services Subject to Cancellation

Class 009. First Use: 2008/03/11 First Use In Commerce: 2008/03/11 All goods and services in the class are cancelled, namely: Computer software and downloadable computer software used to store and share data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via global computer networks, mobile telephones, and other communications networks for the purpose of file back up and synchronization, not including software for use in database management in the field of life sciences research or software for uploading or transferring advertising programs and media advertising communications
Class 039. First Use: 2008/03/11 First Use In Commerce: 2008/03/11 All goods and services in the class are cancelled, namely: Storage of electronic media, namely, data, documents, files, text, photos, images, graphics, music, audio, video, and multimedia content
Class 042. First Use: 2008/03/11 First Use In Commerce: 2008/03/11 All goods and services in the class are cancelled, namely: Providing temporary use of non-downloadable computer software used to store and share data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via global computer networks, mobile telephones, and other communications networks for the purpose of file back up and synchronization, not including software for use in database management in the field of biomedical research or software for uploading or transferring advertising programs and media advertising communications; hosting of digital content on the internet

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85475272	Application Date	11/17/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DROPBOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2004/05/11 First Use In Commerce: 2004/05/11 Downloadable computer software for uploading, transferring, downloading, storing, and sharing data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via networks, mobiletelephones, and other communications</p> <p>Class 039. First use: First Use: 2004/05/11 First Use In Commerce: 2004/05/11 Storage of data, documents, files, information, text, photos, images, graphics,music, audio, video, and multimedia content</p> <p>Class 042. First use: First Use: 2004/05/11 First Use In Commerce: 2004/05/11 Providing on-line non-downloadable software for uploading, transferring, downloading, storing, and sharing data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via networks, mobile telephones, and other communications</p>		

Attachments	85475272#TMSN.jpeg(bytes) 140204 Petition to Cancel.pdf(11792 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ John M. Cone
Name	John M. Cone
Date	02/04/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 4,478,345 DROPBOX

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THRU INC.,	§	
Petitioner,	§	
	§	
v.	§	Cancellation Proceeding No. _____
	§	
DROPBOX, INC.,	§	
Registrant.	§	
<hr/>	§	

TO THE HONORABLE TRADEMARK TRIAL AND APPEAL BOARD

**PETITION TO CANCEL REGISTRATION
NO. 4,478,345 DROPBOX**

Petitioner THRU INC. ("Thru") in support of its petition to cancel Registration No. 4,478,345 DROPBOX would show the Board as follows:

1. The application for registration that resulted in Registration No. 4,478,345 was filed on September 1, 2009 and the registration recites a date of first use of the mark DROPBOX by the Registrant of March 11, 2008.

2. Long before either of these dates, Thru had started to use the trademark DROPBOX for the services identified in its application S.N. 85/475,272, namely, downloadable computer software for uploading, transferring, downloading, storing, and sharing data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via networks, mobile telephones, and other communications; storage of data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content; providing on-line non-downloadable software for uploading, transferring, downloading, storing, and sharing

data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via networks, mobile telephones, and other communications. Thru's rights in its mark DROPBOX have priority over any rights that Registrant may have in its mark DROPBOX.

3. Registrant's mark DROPBOX, when used for the services of Registration No. 4,478,345, namely, computer software and downloadable computer software used to store and share data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via global computer networks, mobile telephones, and other communications networks for the purpose of file back up and synchronization, not including software for use in database management in the field of life sciences research or software for uploading or transferring advertising programs and media advertising communications; storage of electronic media, namely, data, documents, files, text, photos, images, graphics, music, audio, video, and multimedia content; providing temporary use of non-downloadable computer software used to store and share data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via global computer networks, mobile telephones, and other communications networks for the purpose of file back up and synchronization, not including software for use in database management in the field of biomedical research or software for uploading or transferring advertising programs and media advertising communications; hosting of digital content on the internet, so resembles Thru's mark DROPBOX as to be likely to cause confusion or to cause mistake or to deceive.

4. Thru is damaged by Registration No. 4,478,345 remaining on the register as the registration is a potential obstacle to Thru's right to use and register the mark DROPBOX for its services.

5. Thru prays that Registration No. 4,478,345 be cancelled and for such other and further relief to which it may be entitled.

Dated: February 4, 2014

Respectfully submitted,

/s/ John M. Cone
John M. Cone
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ATTORNEY FOR PETITIONER
THRU INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February 2014, a true and correct copy of the foregoing document was served via U.S. First Class Mail, postage prepaid on the owner of record of the registration, Dropbox, Inc., at the address of record in the Office, namely:

185 Berry St. Suite 400
San Francisco CALIFORNIA 94107

With a copy to:

John L. Slafsky
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto CA 94304-1050
Attorney for Dropbox, Inc.

/s/ John M. Cone _____
John M. Cone